

RYAN EUGENE MURRAY
MONICA C. MURRAY

Plaintiffs,

VS.

WILLIAM TRULY,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

) CASE NO. 3:09-00359
) JUDGE ECHOLS/KNOWLES

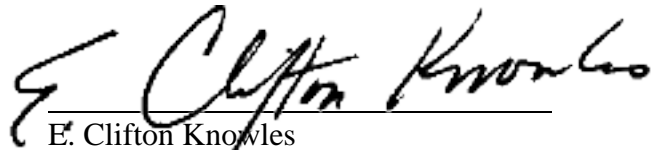
REPORT AND RECOMMENDATION

This matter is before the Court upon a document filed by the pro se Plaintiff Ryan Murray headed, “Motion for a summary Judgment In the matter of Unjust Enrichment.” Docket No. 22. The undersigned has previously submitted a Report and Recommendation recommending that Defendant’s Motion to Dismiss be GRANTED. Docket No. 57. For the reasons set forth in that Report and Recommendation, Plaintiff is not entitled to a judgment as a matter of law. Additionally, the Court notes that the instant Motion for Summary Judgment has not been signed by Plaintiff Ryan Murray, nor does the Amended Complaint submitted in this action contain a claim for “unjust enrichment.”

For the foregoing reasons, the instant Motion for Summary Judgment (Docket No. 22) should be DENIED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have

fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge